

THE HONORABLE RICARDO MARTINEZ

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ENDURANCE AMERICAN SPECIALTY  
INSURANCE COMPANY, a Delaware  
Corporation,

Plaintiff,

v.

EVOLUTION SIDE, LLC, a Washington  
limited liability company; LAER  
ENTERPRISES, INC., a Washington  
corporation; KENTON SCHUMACHER, a  
Washington resident; MADALYN HORN, a  
Washington resident; JENNIFER LALLY, a  
Washington resident; BRANDON &  
MICHELLE CONNOR, Washington  
residents; MIKE NETTEKOVEN, a  
Washington resident; NOAH MANN, a  
Washington resident; STACEY MCGRATH,  
a Washington resident; JENNIFER  
ELLSWORTH-BOESL, a Washington  
resident; STORM WENDT, a Washington  
resident; DAVID BALDWIN, a Washington  
resident; TROY RUNNER, a Washington  
resident; TRAVIS REANO, a Washington  
resident; DEREK TULLUCK, a Washington  
resident; RHONDA & JEFF SAWYER,  
Washington residents; JENNIFER  
BROADBENT, a Washington resident; ALI  
JONES & JULIO VALDEZ, Washington  
residents; JOHN KENNEDY, a Washington  
resident; ALEX CORRAL & KELSIE  
TROTIGNON, a Washington resident;

No. 2:23-cv-00365-RSM

**DECLARATORY JUDGMENT  
AGAINST HOMEOWNER  
DEFENDANTS**

NOTE ON MOTION CALENDAR:  
September 11, 2023

1 CYNTHIA & JOSHUA BAUER, Washington )  
 residents; RICKY & MADISON HALL, )  
 2 Washington residents; LARRY PAGUE, a )  
 Washington resident; JULIE ACHESON, a )  
 3 Washington resident; JENNIFER WHITE, a )  
 Washington resident; STEPHEN HANNAN, a )  
 4 Washington resident; ANNIE NAHON, a )  
 Washington resident; TEMASWATI )  
 5 JOHNSTON, a Washington resident; AMIR )  
 MOUSAVI, a Washington resident; TYLER )  
 6 GOLD, a Washington resident; NOEL )  
 TEVES, a Washington resident; TERESA )  
 7 RODMAN, a Washington resident; IVAN )  
 NGAUAMO, a Washington resident; )  
 8 ANDREW & DIANE MORTAGNE, )  
 Washington residents; BRIAN HELLESTO, a )  
 9 Washington resident; VERNON BRANCO, a )  
 Washington resident; LAUREN BICKFORD, )  
 10 a Washington resident, JOSHUA & )  
 JOHANNA SUMMERS, Washington )  
 11 residents; RON BOCCA, a Washington )  
 resident; JOSHUA DOERING, a Washington )  
 12 resident; KELLY ROBINSON, a Washington )  
 resident; KEN CUNNINGHAM, a )  
 13 Washington resident; PATRICK BROOKE, a )  
 Washington resident; NATE MOWRY, a )  
 14 Washington resident; TREVOR ANDERSON, )  
 a Washington resident; DEBRA SILVER, a )  
 15 Washington resident; TODD GRIFFEN, a )  
 Washington resident; RONDA BOYD, a )  
 16 Washington resident; GARY MAGREEHAN, )  
 a Washington resident; KRISTEN & ALEX )  
 17 HALL, Washington residents; CALEB )  
 HARRIS, a Washington resident; KIERAN )  
 18 HUNT, a Washington resident; LINDSEY )  
 CALDERWOOD, a Washington resident; )  
 19 CATHY KOMBOL, a Washington resident; )  
 REBEKAH ENGEBO, a Washington resident; )  
 20 GABRIELLA MANCILLA, a Washington )  
 resident; BRIAN & ANISSA REGO, )  
 21 Washington residents; KATIE MIKESELL, a )  
 Washington resident; TROY SALISBURY & )  
 22 JESSICA MATIAS, Washington residents; )  
 GREG & TIFFANY HOPKINS, Washington )  
 23 residents; RENE LOPEZ RIVERA, a )  
 Washington resident; ETHAN )  
 24 SCHIERENBECK, a Washington resident; )  
 JUDY PRENOVOST, a Washington resident; )  
 25 ALYSSA MERCER, a Washington resident; )  
 SETH & CASSIE POHLMAN, Washington )  
 26 residents; SHELLY VEAZEY, a Washington )  
 resident; TANYA EVANS, a Washington )

1 resident; ADAM POHLMAN, a Washington )  
 2 resident; ARDEN BARDEN, a Washington )  
 3 resident; IRIS PALLER -MILNE, a )  
 4 Washington resident; JEFF & KATHERINE )  
 5 POTASKY, Washington residents; RYAN )  
 6 HILDEBRAND, a Washington resident; )  
 7 MIKE & SANDY O'HARA, Washington )  
 8 residents; ANTONIO GENSON, a )  
 9 Washington resident, )  
 10 Defendants. )

11 This matter came before the Court on Plaintiff Endurance American Specialty Insurance  
 12 Company's ("Endurance") Motion for Default Judgment against Homeowner Defendants.<sup>1</sup>

13 This Court, having considered the motion and supporting declaration, GRANTS the Motion  
 14 and enters Declaratory Judgment against Homeowner Defendants as follows:

15 The Homeowner Defendants are bound by the Declaratory Judgment entered by this Court on  
 16 August 9, 2023 (Dkt. 27) finding that Evolution Side, LLC is not entitled to insurance  
 17 coverage pursuant to the terms and conditions of the policies of insurance issued by Endurance  
 18 (policy numbers CBF10000178700 (policy period August 7, 2017 through August 7, 2018)  
 19 and CBF10000178701 (policy period August 7, 2018 through August 7, 2019)) with respect to

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20 <sup>1</sup> The "Homeowner Defendants" are KENTON SCHUMACHER; MADALYN HORN; JENNIFER  
 21 LALLY; BRANDON & MICHELLE CONNOR; MIKE NETTEKOVEN; NOAH MANN; STACEY  
 22 MCGRATH; JENNIFER ELLSWORTH-BOESL; STORM WENDT; DAVID BALDWIN; TROY  
 23 RUNNER; TRAVIS REANO; DEREK TULLUCK; RHONDA & JEFF SAWYER; JENNIFER  
 24 BROADBENT; ALI JONES & JULIO VALDEZ; JOHN KENNEDY; ALEX CORRAL & KELSIE  
 25 TROTIGNON; CYNTHIA & JOSHUA BAUER; RICKY & MADISON HALL; LARRY PAGUE;  
 26 JULIE ACHESON; JENNIFER WHITE; STEPHEN HANNAN; ANNIE NAHON; TEMASWATI  
 JOHNSTON; AMIR MOUSAVI; TYLER GOLD; NOEL TEVES; TERESA RODMAN; IVAN  
 NGAUAMO; ANDREW & DIANE MORTAGNE; BRIAN HELLESTO; VERNON BRANCO;  
 LAUREN BICKFORD; JOSHUA & JOHANNA SUMMERS; RON BOCCA; JOSHUA DOERING;  
 KELLY ROBINSON; KEN CUNNINGHAM; PATRICK BROOKE; NATE MOWRY; TREVOR  
 ANDERSON; DEBRA SILVER; TODD GRIFFEN; RONDA BOYD; GARY MAGREEHAN;  
 KRISTEN & ALEX HALL; CALEB HARRIS; KIERAN HUNT; LINDSEY CALDERWOOD;  
 CATHY KOMBOL; REBEKAH ENGEBO; GABRIELLA MANCILLA; BRIAN & ANISSA  
 REGO; KATIE MIKESELL; TROY SALISBURY & JESSICA MATIAS; GREG & TIFFANY  
 HOPKINS; RENE LOPEZ RIVERA; ETHAN SCHIERENBECK; JUDY PRENOVOST; ALYSSA  
 MERCER; SETH & CASSIE POHLMAN; SHELLY VEAZEY; TANYA EVANS; ADAM  
 POHLMAN; ARDEN BARDEN; IRIS PALLER-MILNE; JEFF & KATHERINE POTASKY;  
 RYAN HILDEBRAND; MIKE & SANDY O'HARA; and ANTONIO GENSON.

any and all claims for damages asserted against Evolution Side and/or arising out of the Suntop Farms Project which were or could have been raised in the matter captioned *Schumacher et al. v. LGI Homes – Washington, LLC et al.*, King County Superior Court Cause No. 21-2-10435-1 SEA and the related arbitration proceeding pending before the American Arbitration Association (“Underlying Lawsuit”).

IT IS SO ORDERED.

DATED this 25<sup>th</sup> day of September, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

MURPHY ARMSTRONG & FELTON LLP

By: /s/ James P. Murphy  
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*Attorney for Plaintiff Endurance American  
Specialty Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify and declare that on September 25, 2023, I electronically filed the foregoing,

[PROPOSED] DECLARATORY JUDGMENT AGAINST HOMEOWNER  
DEFENDANTS,

with the Clerk of the Court via the CM/ECF system, which will send notification to the following  
counsel:

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*Attorney for Defendant  
Laer Enterprises, Inc.*

DATED at Seattle, Washington, this 11th day of September, 2023.

By: /s/ Angelina Hernandez  
Angelina Hernandez, Paralegal